REMARKS

Claims 1-8 are currently pending in the present application.

Rejection under 35 U.S.C. § 102

Claims 1 and 4-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Leeper et al.* (Structured Assembly Language in VAX-11 MACRO, Feb. 1986, Proceedings of the 17th SIGCSE Technical Symposium on Computer Science Education, Vol. 18, in issue 1). Applicant respectfully traverses such rejection.

Claim 1 recites "program code means for generating a first branch location for execution to proceed as if said structured assembly language expression is true," "program code means for generating a second branch location for execution to proceed as if said structured assembly language expression is false," and "program code means for generating a third branch location for execution to proceed to the end of said structured assembly language expression." Thus, Claim 1 specifies three different branch locations—a true location, a false location and an end of expression location.

On page 3 of the Final Office Action, the Examiner asserts that the claimed program code means for generating a first branch location is disclosed by *Leeper* as BGTR on page 54, last paragraph and as BEQ on page 57, second paragraph. The Examiner also asserts that the claimed program code means for generating a second branch location is disclosed by *Leeper* as BNEQ on page 57, second paragraph. The Examiner further asserts that the claimed program code means for generating a third branch location is disclosed by *Leeper* as BEQL END_WHILE04 on page 57, second paragraph.

BEQ was not found on page 57, second paragraph. BGTR on page 54 points to a THEN_BEGIN01 location of a first routine. BNEQ and BEQL on page 57 point to DO_BEGIN04 and END_WHILE04 locations of a second routine, respectively. There is no relationship between the first routine on page 54 and the second routine on page 57. Hence, *Leeper* does not teach or suggest three different branch locations in one single routine.

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Claim 1 also recites "program code means for indicating said branch destination in said data structure is a branch to said first, said second, or said third branch locations." On page 3 of the Final Office Action, the Examiner asserts that the claimed program code means for indicating said branch destination in said data structure is disclosed by *Leeper* as WHILE04, END_WHILE04 on page 57, second paragraph.

The claimed invention is related to an assembler. As such, program code means for indicating said branch destination in said data structure is part of an assembler function that is transparent to an assembly programmer. In other words, a routine from an application program, such as all the macro examples in *Leeper*, should not have the claimed program code means for indicating said branch destination in said data structure that is intended for an assembler capable of processing structured assembly language expressions.
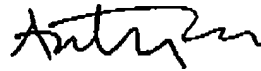
Because the claimed invention recites novel features that are not taught or suggested by *Leeper*, the § 102 rejection is believed to be overcome.

CONCLUSION

Claims 1-8 are currently pending in the present application. For the reasons stated above, Applicant believes that independent Claim 1 along with its dependent claims are in condition for allowance. The remaining prior art cited by the Examiner but not relied upon has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any addition fee or extension of time is required for the prosecution of the present application, please charge it against IBM Deposit Account No. **50-0563**.

Respectfully submitted,

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